

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ELITE PRECISION CUSTOMS LLC, *et al.*,

Plaintiffs,

v.

THE BUREAU OF ALCOHOL,
TOBACCO, FIREARMS AND
EXPLOSIVES, *et al.*,

Defendants.

No. 4:25-cv-00044-P

DEFENDANTS' MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants hereby move this Court to dismiss Plaintiffs' Complaint. In accordance with Local Rule 7.1(d), this motion is accompanied by a brief that sets forth the arguments and authorities on which Defendant rely in support of this motion. A proposed order also accompanies this motion.

SUMMARY

Defendants move this Court to dismiss this case under Fed. R. Civ. P. 12(b)(6). The statutes and regulation challenged by Plaintiffs, which neither prevent Plaintiffs from possessing a handgun in any state for self-defense nor prevent Plaintiffs from purchasing a handgun, do not run afoul of the Second Amendment, *see New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. 1, 24 (2022); rather, they are "presumptively lawful" restrictions that "impos[e] conditions and qualifications on the commercial sale of firearms" as described in *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008), and are consistent with the principles underlying the Nation's firearms regulatory tradition. *See Bruen*, 597 U.S. at 24. These laws, which prevent individuals from making an end run around their state's firearms regulations by crossing a border, were passed to ensure only law abiding citizens acquired firearms and keep firearms out of the hands of

potentially dangerous individuals. Laws such as these, which are aimed at ensuring that firearms do not fall into the hands of criminals, generally do not violate the Second Amendment.

Accordingly, the Court should dismiss the case.

Dated: June 9, 2025

Respectfully submitted,

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ALEXANDER K. HAAS
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/s/ Andrew I. Warden
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CERTIFICATE OF SERVICE

On June 9, 2025, I electronically filed the foregoing document and the accompanying brief with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) or the local rules.

/s/
Andrew I. Warden
U.S. Department of Justice
Civil Division, Federal Programs Branch